

Jury Test. at 212:22-214:13; 220:3-222:11; 229:16-231:3.)^{2/}

A year later, immediately prior to his appearance before the Thompson Committee, Secretary Babbitt wrote Senator Thompson a more detailed description of his conversation with Eckstein in which he reiterated that he had received no instruction or contact from Ickes concerning the Hudson casino application but acknowledged that he had invoked Ickes' name "as a means of terminating the conversation." (Report at 373.)

The Report is skeptical of Secretary Babbitt's denial of an intent to mislead McCain. It *theorizes* that Secretary Babbitt (a) intentionally omitted his mention of Ickes to Eckstein in his August 30 letter to McCain in order avoid further inquiry into the possibility of high level White House pressure with respect to Hudson, (b) acknowledged mentioning Ickes to Eckstein in his letter to Senator Thompson only when he knew he would soon be under oath and (c) unpersuasively maintained in his testimony before the Thompson Committee the "strained" position that the two letters were consistent in order to avoid admitting that he had misled McCain and thereby escalate suspicions that there had been improper influence brought to bear concerning Hudson.^{3/}

^{2/} As the Report itself notes, McCain's September 16, 1996, response to Babbitt's August 30 letter shows that the essential focus of his inquiry was allegations of improper influence by the DNC and the White House. (Report at 369.) Furthermore, as the Report also notes, Secretary Babbitt's August 30 letter attached a memorandum by a staff member disclosing the few status contacts that had occurred between the Department of Interior and Harold Ickes' office regarding Hudson (except for approximately two contacts she had forgotten). (*Id.* at 364.) These facts support Secretary Babbitt's belief that Senator McCain's interest was substantive, i.e. whether there had been inappropriate pressure from Ickes, and corroborate his assertions that he was not attempting to dissemble. (Babbitt Grand Jury Test. at 212:22-214:13; 220:3-221:11.)

^{3/} The Report states that Senator McCain was in fact misled by the letter. In hindsight, Secretary Babbitt acknowledges that reading the letter as a complete denial of the